

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PRISCILLA SAINTAL BOWMAN,

Plaintiff,

v.

NEVADA BOARD OF PAROLE
 COMMISSIONERS, et al.,

Defendants.

Case No.: 2:22-cv-01481-ART-NJK

**Order Denying IFP Application Without
 Prejudice**

(Docket No. 1)

I. DISCUSSION

On September 9, 2022, Plaintiff, an inmate in the custody of the Florence McClure Women's Correctional Center Facility, submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete. Specifically, Plaintiff has not submitted an inmate account statement for the previous six-month period. Moreover, the financial certificate Plaintiff submitted is incomplete and is not signed by a prison official. Docket No. 1 at 4.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a one-time extension to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff must file a fully complete application to proceed *in forma pauperis* on or before **November 10, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three required documents on or before **November 10, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **November 10, 2022** to proceed with this case.

The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will not file the complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

II. CONCLUSION

For the foregoing reasons,

IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, is **DENIED** without prejudice to file a new fully complete application to proceed *in forma pauperis* with all three documents.

IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that, on or before **November 10, 2022**, Plaintiff must either
2 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
3 administrative fee) or file with the Court:

4 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
5 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
6 3);

7 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
8 (i.e. page 4 of this Court's approved form); and

9 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
10 **six-month period.**

11 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
12 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
13 on or before **November 10, 2022**, this case will be subject to dismissal without prejudice for
14 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
15 documents needed to file a complete application to proceed *in forma pauperis* or pays the the full
16 \$402 filing fee.

17 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint,
18 Docket No. 1-1, but will not file it at this time

19 IT IS SO ORDERED.

20 DATED: September 13, 2022.

21
22
23 
24 NANCY J. KOPPE
25 UNITED STATES MAGISTRATE JUDGE
26
27
28